



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 17 2013

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Dr. Edward F. Askew  
Askew Scientific Consulting  
2952 155<sup>th</sup> Street  
Muscatine, IA 52761

**RE:** Response to Freedom of Information Request: HQ-FOI-2013-009130

Dear Dr. Askew:

This letter is in response to the above referenced Freedom of Information Act (FOIA). You requested a memorandum signed by Michael R. Fisher, Director, Legal Counsel Division, Office of Criminal Enforcement, Forensics and Training concerning analytical testing under the Clean Water Act and Safe Drinking Water Act.

This document is being withheld in its entirety because it is exempt from mandatory disclosure by virtue of the following sections of FOIA: 5 U.S.C. Section 552(b)(5), which exempts from disclosure documents which would be privileged in civil litigation; and Section (b)7(A) which authorizes the withholding of records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with my action on this request, you may submit a written appeal to the National Freedom of Information Officer, FOIA and Privacy Branch (2822T), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (U.S. Postal Service Only), or by fax: (202) 566-2147, or by email [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004.

Your appeal must be in writing and submitted no later than 30 calendar days from the date of this letter. The agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed including the assigned FOIA request number shown above. For quickest possible handling, both the appeal letter and its envelope should be clearly marked "Freedom of Information Act Appeal."

Should you have additional questions regarding this response, please contact Ms. Laurice Redhead of my staff via e-mail at [redhead.laurice@epa.gov](mailto:redhead.laurice@epa.gov) or by telephone at (202) 564-7153.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt R. Morrison".

Matthew W. Morrison  
Deputy Director  
Office of Criminal Enforcement,  
Forensics and Training

cc: National Freedom of Information Officer  
FOIA and Privacy Branch (2822T)